

Appl. No. : 10/754,919  
Filed : January 10, 2004

## REMARKS

### A. Introduction

Applicant thanks the Examiner for the interview and respectfully requests reconsideration and allowance of this application. Claims 1-40 are pending in the application. Claims 8-19 have been withdrawn from consideration. Applicant has preliminarily amended Claims 1 and 20. Claims 29-40 have been added.

Applicant submits that this application is now in condition for allowance, and Applicant earnestly requests such action.

### B. All Claims are Patentable Over Hyodoh, Palmaz, and Callister

As explained in Applicant's Amendment submitted on November 3, 2005 with the Request for Continuing Examination, and as discussed during the interview, Claims 1-7 and 20-28 are not anticipated by U.S. Patent Application Publication No. 2003/0040771A1 to Hyodoh. Applicant has further amended these Claims for clarity and respectfully submits that the claims are allowable over Hyodoh. New Claims 29-40, which are similar to the proposed claim discussed during the interview, have been added and are also allowable over Hyodoh.

Additionally, the Examiner provided Applicant with copies of U.S. Patent Nos. 5,382,261 to Palmaz, and 6,096,052 to Callister et al, which are included in an Information Disclosure Statement submitted herewith. Claims 1-40 are not anticipated by these references. Palmaz discloses a method and apparatus for occluding vessels having a flexible closure member attached to at least one metallic radially expandable, generally tubular shaped stent, the flexible closure member having a generally tubular shaped cross-sectional configuration. Callister et al disclose an occluding device and method of use, particularly a contraceptive or sterilization device, comprising a tubular member, and a permeable mesh member to allow for tissue ingrowth to produce a tissue impregnated mesh occluding the body lumen. The currently pending claims do not read on the embodiments disclosed by Palmaz and Callister.

Accordingly, Applicant respectfully requests that the Examiner withdraw any outstanding rejections, as all claims are now in condition for allowance.

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C. Conclusion

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, issuance of a Notice of Allowance is most earnestly solicited.

Applicant respectfully traverses each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art shows or teaches. Although amendments and deletions have been made, no acquiescence or estoppel is or should be implied thereby. Rather, the amendments, deletions and cancellations are made only to expedite prosecution of the present application, and without prejudice to presentation or assertion, in the future, of claims on the subject matter affected thereby. Any arguments in support of patentability and based on a portion of a claim should not be taken as founding patentability solely on the portion in question; rather, it is the combination of features or acts recited in a claim which distinguishes it over the prior art.

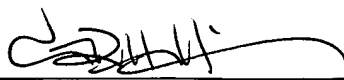
The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call the undersigned at (949) 760-0404 to resolve such issue(s) promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11 1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: November 30, 2005

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